

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) 2:13-CR-448-KJD-(CWH)
)
JUAN CARLOS SILVA,)
)
Defendant.)

PRELIMINARY ORDER OF FORFEITURE

This Court finds that defendant JUAN CARLOS SILVA pled guilty to Count One of a One-Count Superseding Criminal Information charging him with Illegal Use of a Communication Facility in violation of Title 21, United States Code, Section 843(b). Superseding Criminal Information, ECF No. 129; Plea Agreement, ECF No. 131; Change of Plea, ECF No. 133.

This Court finds defendant JUAN CARLOS SILVA agreed to the forfeiture of the property set forth in the Plea Agreement. Plea Agreement, ECF No. 131; Change of Plea, ECF No. 133.

This Court finds, pursuant to Fed. R. Crim. P. 32.2(b)(1) and (2), the United States of America has shown the requisite nexus between property set forth in the Plea Agreement and the offense to which defendant JUAN CARLOS SILVA pled guilty.

The following assets are any firearm or ammunition involved in or used in any violation of any other criminal law of the United States, Title 18, United States Code, Section 843(b); any firearm or ammunition intended to be use in any offense punishable under the Controlled Substances Act, Title 21, United States Code, Section 843(b); any property constituting, or derived from, any proceeds

1 obtained, directly or indirectly as the result of a violation of Title 21, United States Code, Section
 2 843(b); and any property used, or intended to be used, in any manner or part, to commit, or to facilitate
 3 the commission of a violation of Title 21, United States Code, Section 843(b) and are subject to
 4 forfeiture pursuant to Title 18, United States Code, Section 924(d)(1) with Title 28, United States
 5 Code, Section 2461(c); Title 18, United States Code, Section 924(d)(1), (2)(C), and (3)(B) with Title
 6 28, United States Code, Section 2461(c); and Title 21, United States Code, Section 853(a)(1) and
 7 (a)(2):

- 8 1. a Glock, Model 19 handgun, bearing serial number BDK808US;
- 9 2. a .45 caliber, High Standard Crusader handgun, bearing serial number HS1147315;
- 10 3. a 12 gauge, Armscor shotgun, bearing serial number AP214132;
- 11 4. a RomArms, model 99.1, 7.62 caliber rifle, bearing serial number 10984599;
- 12 5. any and all ammunition; and
- 13 6. \$4,979 in United States Currency.

14 (all of which constitutes property).

15 This Court finds the United States of America is now entitled to, and should, reduce the
 16 aforementioned property to the possession of the United States of America.

17 NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the
 18 United States of America should seize the aforementioned property.

19 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all right, title, and interest of
 20 JUAN CARLOS SILVA in the aforementioned property is forfeited and is vested in the United States
 21 of America and shall be safely held by the United States of America until further order of the Court.

22 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States of America
 23 shall publish for at least thirty (30) consecutive days on the official internet government forfeiture
 24 website, www.forfeiture.gov, notice of this Order, which shall describe the forfeited property, state the
 25 time under the applicable statute when a petition contesting the forfeiture must be filed, and state the

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1 name and contact information for the government attorney to be served with the petition, pursuant to
2 Fed. R. Crim. P. 32.2(b)(6) and Title 21, United States Code, Section 853(n)(2).

3 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any individual or entity
4 who claims an interest in the aforementioned property must file a petition for a hearing to adjudicate
5 the validity of the petitioner's alleged interest in the property, which petition shall be signed by the
6 petitioner under penalty of perjury pursuant to Title 21, United States Code, Section 853(n)(3) and
7 Title 28, United States Code, Section 1746, and shall set forth the nature and extent of the petitioner's
8 right, title, or interest in the forfeited property and any additional facts supporting the petitioner's
9 petition and the relief sought.

10 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any, must be filed
11 with the Clerk of the Court, 333 Las Vegas Boulevard South, Las Vegas, Nevada 89101, no later than
12 thirty (30) days after the notice is sent or, if direct notice was not sent, no later than sixty (60) days
13 after the first day of the publication on the official internet government forfeiture site,
14 www.forfeiture.gov.

15 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the petition, if any,
16 shall be served upon the Asset Forfeiture Attorney of the United States Attorney's Office at the
17 following address at the time of filing:

18 Daniel D. Hollingsworth
19 Assistant United States Attorney
20 Lloyd D. George United States Courthouse
333 Las Vegas Boulevard South, Suite 5000
Las Vegas, Nevada 89101.

21 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice described herein
22 need not be published in the event a Declaration of Forfeiture is issued by the appropriate agency
23 following publication of notice of seizure and intent to administratively forfeit the above-described
24 property.

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1 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Clerk send copies of
2 this Order to all counsel of record.

3 DATED this 25th day of April, 2016.

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7 UNITED STATES DISTRICT JUDGE
8 KENT J. DAWSON
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